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COMPLAINT

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Plaintiff GOLD VALUE INTERNATIONAL TEXTILE, INC. ("Plaintiff"), by and through its undersigned attorneys, hereby prays to this honorable Court for relief based on the following:

JURISDICTION AND VENUE

- 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 et seq.
- 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).
- 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

PARTIES

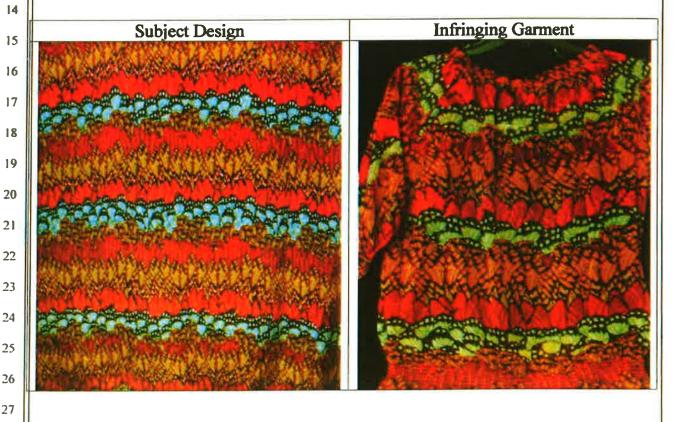
- 4. Plaintiff is a corporation organized and existing under the laws of the state of California with its principal place of business located in Los Angeles County.
- 5. Plaintiff is informed and believes and thereon alleges that Defendant STEIN MART, INC. ("STEIN MART") is a corporation organized and existing under the laws of the state of Florida with its principal place of business located at 1200 Riverplace Blvd. Jacksonville, Florida 32207, and is doing business in and with the state of California.
- 6. Plaintiff is informed and believes and thereon alleges that Defendant FORSYTH OF CANADA, INC. ("FORSYTH") is a corporation organized and existing under the laws of the state of Georgia with its principal place of business located at 1071 Avenue of the Americas, 8th Floor, New York, New York, and is doing business in and with the state of California.
- 7. Plaintiff is informed and believes and thereon alleges that Defendant DOES 1-5, inclusive, are manufacturers and/or a vendors (and/or agents or employees to a manufacturer or vendor) of garments to Defendants, which DOE Defendants have

- 8. Defendants DOES 6 through 10, inclusive, are other parties not yet identified who have infringed Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of Defendants DOES 1 through 10, inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.
- 9. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently ratified and adopted, or both, each and all of the acts or conduct alleged, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each and every violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

CLAIMS RELATED TO FIE-206-582-1

10. Prior to the conduct complained of herein, Plaintiff composed an original two-dimensional artwork for purposes of textile printing. It allocated this design Plaintiff's internal design number FIE-206-582-1 (the "Subject Design"). This artwork was a creation of Plaintiff and/or Plaintiff's design team, and is, and at all relevant times was, owned in exclusively by Plaintiff.

- 11. Plaintiff applied for and received a United States Copyright Registration for the Subject Design.
- 12. Prior to the acts complained of herein, Plaintiff sampled and sold fabric bearing the Subject Design to numerous parties in the fashion and apparel industries.
- 13. Following this distribution of product bearing the Subject Design,
 Plaintiff learned that Defendants, including STEIN MART, FORSYTH, and other
 DOE Defendants, created, sold, manufactured, caused to be manufactured, imported,
 and/or otherwise distributed fabric and/or garments comprised of fabric featuring
 unauthorized reproductions of the Subject Design or designs which are substantially
 similar to the Subject Design ("Infringing Garment").
- 14. A comparison of the Subject Design (left) and Infringing Garment (right) are set forth below; it is apparent that the elements, composition, color variations, arrangement, layout, and appearance of the designs are substantially similar.



- 4 -

FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants)

- 15. Plaintiff repeats, re-alleges, and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.
- 16. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to legitimate Plaintiff's fabric in the marketplace; and (d) access to Plaintiff's strike-offs and samples.
- 17. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s) have an ongoing business relationship with the retailer Defendants, and each of them, and supplied garments to said retailers, which garments infringed the Subject Design in that said garments were composed of fabric which featured an unauthorized print design that was identical or substantially similar to the Subject Design.
- 18. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyright by creating, making and/or developing directly infringing and/or derivative works from the Subject Design and by producing, distributing and/or selling fabric and/or garments which infringe the Subject Design through a nationwide network of retail stores and on-line outlets.
- 19. Due to Defendants' acts of infringement, Plaintiff has suffered substantial damages to its business in an amount to be established at trial.

- 20. Due to Defendants' acts of infringement, Plaintiff has suffered general and special damages in an amount to be established at trial.
- 21. Due to Defendants' acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of the Subject Design in an amount to be established at trial.
- 22. Plaintiff is informed and believes and thereon alleges that the infringement of Plaintiff's copyrighted design was willful, reckless, and/or in blatant disregard for Plaintiff's rights as a copyright holder, and as such, claims willful, exemplary, and enhanced statutory damages.

SECOND CLAIM FOR RELIEF

(For Vicarious and/or Contributory Copyright Infringement - Against All Defendants)

- 23. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.
- 24. Plaintiff is informed and believes and thereon alleges that Defendants knowingly induced, participated in, aided and abetted in, and profited from the illegal reproduction and/or subsequent sales of product featuring the Subject Design as alleged hereinabove.
- 25. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, are vicariously liable for the infringement alleged herein because they had the right and ability to supervise the infringing conduct and because they had a direct financial interest in the infringing conduct.

- 26. By reason of the Defendants', and each of their, acts of contributory and vicarious infringement as alleged above, Plaintiff has suffered and will continue to suffer substantial damages to its business in an amount to be established at trial, as well as additional general and special damages in an amount to be established at trial.
- 27. Due to Defendants' acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of the Subject Design, in an amount to be established at trial.
- 28. Plaintiff is informed and believes and thereon alleges that the infringement of Plaintiff's copyrighted design was willful, reckless, and/or in blatant disregard for Plaintiff's rights as a copyright holder, and as such, claims willful, exemplary and enhanced statutory damages.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment as follows:

Against All Defendants

- 29. With Respect to Each Claim for Relief
 - a. That Defendants, their agents and employees be enjoined from infringing Plaintiff's copyrights in any manner, specifically those for the Subject Design;
 - b. That Plaintiff be awarded all profits of Defendants plus all losses of Plaintiff, plus any other monetary advantage gained by the Defendants through their infringement, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;

c. That Plaintiff be awarded additional, enhanced, and elevated damages given the reckless and willful nature of the acts alleged; 2 d. That Plaintiff be awarded its attorneys' fees as available under the 3 Copyright Act U.S.C. § 101 et seq.; 4 e. That Defendants, and each of them, account to Plaintiff for their profits 5 and any damages sustained by Plaintiff arising from their acts of 6 infringement; 7 f. That Plaintiff be awarded pre-judgment interest as allowed by law; 8 That Plaintiff be awarded the costs of this action; 9 h. That Plaintiff be awarded general and special damages; and 10 i. That Plaintiff be awarded such further legal and equitable relief as the 11 Court deems proper. 12 13 A TRIAL BY JURY PURSUANT TO FED. R. CIV. P. 38 AND 14 CONSTITUTIONAL AMENDMENT SEVEN IS HEREBY DEMANDED. 15 16 Respectfully submitted, 17 **DONIGER / BURROUGHS** 18 19 Date: August 19, 2013 By: 20 Scott A. Burroughs, Esq. 21 Trevor W. Barrett, Esq. Attorneys for Plaintiff 22 23 24 25 26 27 -8-28

Stephen M. Doniger (SBN 179314) Scott A. Burroughs (SBN 235718) DONIGER/BURROUGHS APC 300 Corporate Pointe, Suite 355 Culver City, CA 90230 Tel. (310) 590-1820					
UNITED STATES I					
GOLD VALUE INTERNATIONAL TEXTILE, INC., a California Corporation, individually, and doing business as "Fiesta Fabric," PLAINTIFF(S) V.	CV13- 6151 + MO (174)				
STEIN MART, INC., a Florida corporation; et. al. [See attached "Schedule A"] DEFENDANT(S).	SUMMONS				
TO: DEFENDANT(S): A lawsuit has been filed against you. Within 21 days after service of this summor must serve on the plaintiff an answer to the attached or counterclaim □ cross-claim or a motion under Rule 1st or motion must be served on the plaintiff's attorney, Scondon Doniger/Burroughs APC 300 Corporate Pointe, judgment by default will be entered against you for the region your answer or motion with the court.	2 of the Federal Rules of Civil Procedure. The answer of the A. Burroughs, Esq, whose address is Suite 355 Culver City, CA 90230 . If you fail to do so				
AUG 2 1 2013 Dated:	By: Deputy Clerk (Seal of the Court)				
[Use 60 days if the defendant is the United States or a United States 60 days by Rule 12(a)(3)]. CV-01A (10/11 SUMM					

"SCHEDULE A"

GOLD VALUE INTERNATIONAL TEXTILE, INC., a California Corporation, individually, and doing business as "Fiesta Fabric,"

Plaintiff,

 \mathbf{V}_{\bullet}

STEIN MART, INC., a Florida corporation; FORSYTH OF CANADA, INC., a Georgia corporation; and DOES 1-10, inclusive,

Defendants.

Case 2:13-cv-0615 ûnitelostates Description out Friend Page ID #:14 civil cover sheet

I. (a) PLAINTIFFS (Check box if you are representing yourself []) DEFENDANTS (Check box if you are representing yourself [])									
GOLD VALUE INTERNATIONAL TEXTILE, INC., d/b/a "Fiesta Fabrics"				STEIN MART, INC.; et. al.					
(b) Attorneys (Firm Name		one	Number. If you		(b) Attorneys (Firm	n Na	me, Address and Telepself, provide same.)	phone Number. If you	
are representing yourself Stephen M. Doniger (SBN 1	79314) 300 Corporate				are representing y	our.	en, provide same.)		
Scott A. Burroughs (SBN 235									
DONIGER/BURROUGHS, APC Tel: (310) 590-1820; Fax: (310) 417-3538									
II. BASIS OF JURISDICTION (Place an X in one box only.) III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)									
1. U.S. Government 3. Federal Question (U.S.						x 10 TF	DEE	PTF DEF	
				Citize	en of This State] 1	of Business in t		
Plaintiff	Governmen	(Not a raity)		Citize	en of Another State] 2		nd Principal Place	
2. U.S. Government	☐ 4. Diversity	(Indi	ndicate Citizenship		Citizen or Subject of a		of Business in A		
└─ Defendant	of Parties in			Forei	gn Country L.] 3	3 Foreign Nation	□ 6 □ 6	
IV. ORIGIN (Place an X	in one box only.)	_			20.00000		[1977교 [2017년(1917년(1917년(1917년 - 191 2년 - 1 월 - 197	. Multi-	
1 Original 2	Removed from		emanded from		leinstated or	strict	(Specify)	District itigation	
Proceeding 2	State Court	A	ppellate Court L	R	eopened				
V DECUESTED IN COL	MOLAINT, HIDV DE	844	ND. Vos C	1 N	o (Check "Ves" or	nlv	if demanded in com	plaint)	
V. REQUESTED IN COM		NIA	ND: 🔀 Yes 🗌) IN		-			
CLASS ACTION under		Yes					ED IN COMPLAINT:		
VI. CAUSE OF ACTION Copyright Act of 1976, Title	(Cite the U.S. Civil Statu	te ur	nder which you are fili	ng ar	nd write a brief statemer	nt of	cause. Do not cite jurisdi	ctional statutes unless diversity.)	
Copyright Act of 1976, Title	17 U.S.C., 9 101 et seq 7	ACTIO	n for misappropriatio	n of F	raintin's two-dimension	lai ai	(WORK used III the textile	industry.	
VII. NATURE OF SUIT (Place an X in one bo	ח אר	only)						
				- 1	INAMED ATION		PRISONER PETITIONS	PROPERTY RIGHTS	
OTHER STATUTES 375 False Claims Act	CONTRACT 110 Insurance	R	EAL PROPERTY CONT 240 Torts to Land		IMMIGRATION 462 Naturalization		Habeas Corpus:	■ 820 Copyrights	
400 State			245 Tort Product		Application		463 Alien Detainee	830 Patent	
Reapportionment	120 Marine	_	Liability		465 Other Immigration Actions		510 Motions to Vacate Sentence	840 Trademark	
410 Antitrust	130 Miller Act		290 All Other Real Property		TORTS		530 General	SOCIAL SECURITY	
430 Banks and Banking	☐ 140 Negotiable Instrument		TORTS	Р	ERSONAL PROPERTY		535 Death Penalty	861 HIA (1395ff)	
☐ 450 Commerce/ICC Rates/Etc.	150 Recovery of Overpayment &		PERSONAL INJURY 310 Airplane	$\dashv \Box$	370 Other Fraud	П	Other: 540 Mandamus/Other	862 Black Lung (923)	
460 Deportation	Enforcement of	-	315 Airplane		371 Truth in Lending	П	550 Civil Rights	863 DIWC/DIWW (405 (g))	
470 Racketeer Influ-	Judgment		Product Liability	Ιп	380 Other Personal		555 Prison Condition	864 SSID Title XVI	
enced & Corrupt Org.	151 Medicare Act		320 Assault, Libel & Slander		Property Damage 385 Property Damage		560 Civil Detainee	☐ 865 RSI (405 (g))	
480 Consumer Credit	152 Recovery of Defaulted Student		330 Fed. Employers' Liability		Product Liability		Conditions of Confinement	FEDERAL TAX SUITS	
490 Cable/Sat TV	Loan (Excl. Vet.)		340 Marine		BANKRUPTCY	F	ORFEITURE/PENALTY	870 Taxes (U.S. Plaintiff or Defendant)	
850 Securities/Com- modities/Exchange	153 Recovery of Overpayment of		345 Marine Product		422 Appeal 28 USC 158		625 Drug Related Seizure of Property 21	871 IRS-Third Party 26 USC	
B90 Other Statutory	Vet. Benefits	_	Liability		423 Withdrawal 28 USC 157		USC 881	7609	
	160 Stockholders'		350 Motor Vehicle 355 Motor Vehicle		CIVIL RIGHTS		690 Other		
893 Environmental	190 Other		Product Liability		440 Other Civil Rights		LABOR	18	
☐ Matters	Contract		360 Other Personal Injury		441 Voting		710 Fair Labor Standards Act		
B95 Freedom of Info.	195 Contract Product Liability		362 Personal Injury- Med Malpratice		442 Employment		720 Labor/Mgmt.		
☐ 896 Arbitration			365 Personal Injury-		443 Housing/ Accomodations	ш	Relations		
and Advis Brandons	196 Franchise REAL PROPERTY		Product Liability	-	445 American with		740 Railway Labor Act		
899 Admin. Procedures Act/Review of Appeal of	210 Land		367 Health Care/ Pharmaceutical		Disabilities-		751 Family and Medical Leave Act		
Agency Decision	☐ Condemnation ☐ 220 Foreclosure		Personal Injury Product Liability	_	Employment 446 American with		790 Other Labor		
950 Constitutionality of	220 Foreclosure 230 Rent Lease &		368 Asbestos	14	Disabilities-Other		Litigation 791 Employee Ret. Inc.		
State Statutes	Ejectment		Personal Injury Product Liability		448 Education	Ш	Security Act		
FOR OFFICE USE ONLY: Ca	ase Number:		115-	6	101				

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

VIII(a). IDENTICAL CA	NSES : Has this a	ction been previously filed in this c	ourt and dismissed, remanded or closed?	⊠ NO		YES		
If yes, list case numb	per(s):							
VIII(b). RELATED CAS	ES : Have any ca	ses been previously filed in this cou	urt that are related to the present case?	⊠ NO		YES		
If yes, list case numb	per(s):							
Civil cases are deemed r	elated if a previo	usly filed case and the present case:						
(Check all boxes that appl		rom the same or closely related transac	tions, happenings, or events; or					
			tially related or similar questions of law and fact;	or				
			plication of labor if heard by different judges; or					
	_			h or c also is	nresent			
IV VENILE /44		e the same patent, trademark or copyrigation in the same patent, trademark or copyrigation in the same patent if	ght, and one of the factors identified above in a, l		present.			
,			tate if other than California; or Foreign Cour	ntry, in whic	ch EACH na	amed		
Check here if the gove	ernment, its age	ncies or employees is a named plai	ntiff. If this box is checked, go to item (b).					
County in this District:*			California County outside of this District; State, i	f other than	California; oi	^r Foreign		
GOLD VALUE INTERNATIONA	AL TEXTILES, INCL	os Angeles						
(b) List the County in this defendant resides.	District; Californ	ia County outside of this District; S	tate if other than California; or Foreign Cou	ntry, in whi	ch EACH na	amed		
Check here if the gove	ernment, its age	ncies or employees is a named defo	endant. If this box is checked, go to item (c)					
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country					
			STEIN MART, INCFlorida FORSYTH OF CANADA, INCGeorgia					
(c) List the County in this NOTE: In land condemna	District; Californ	ia County outside of this District; S the location of the tract of land i						
County in this District:*			California County outside of this District; State, i Country	f other than	California; or	Foreign		
Los Angeles County								
*Los Angeles, Orange, San I	Bernardino, River	side, Ventura, Santa Barbara, or San ation of the tract of land involved	Luis Obispo Counties					
X. SIGNATURE OF ATTORNE			Bantt DATE: 8/	/20/2013				
Notice to Counsel/Parties: T	he CV-71 (JS-44) C	ivil Cover Sheet and the information co	ontained herein neither replace nor supplement t e United States in September 1974, is required pu the civil docket sheet. (For more detailed instruct	irsuant to Lo	cai Ruie 3-1 i	is not filed		
Key to Statistical codes relating Nature of Suit Code		y Cases: Substantive Statement o	of Cause of Action					
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))						
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)						
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))						
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))						
864	SSID	All claims for supplemental security in amended.	ncome payments based upon disability filed und	er Title 16 of	the Social Se	ecurity Act, as		
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))						

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

	This case has been assig	ned to District Judge	Fernando M. (Olguin	and the assigned		
Magist	trate Judge is	acqueline Chooljian					
The case number on all documents filed with the Court should read as follows:							
2:13CV6151 FMO JCx							
Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.							
All discovery related motions should be noticed on the calendar of the Magistrate Judge.							
	Clerk, U. S. District Court						
	August 21, 2013		By J.Prado				
	Date		Deputy Cle	erk			
		NOTICE TO (COUNSEL				
A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).							
Subsequent documents must be filed at the following location:							
x	Western Division 312 N. Spring Street, G-8 Los Angeles, CA 90012	Southern Division 411 West Fourth S Santa Ana, CA 927	t., Ste 1053	Eastern Divisio 3470 Twelfth St Riverside, CA 9	reet, Room 134		
Failure to file at the proper location will result in your documents being returned to you.							